

REMARKS/ARGUMENTS

Petition is hereby made under the provisions of 37 CFR 1.136(a) for an extension of three months of the period for response to the Office Action. The enclosed cheque includes the prescribed fee.

The withdrawal of the prior objection to the drawings and the withdrawal of the prior rejection of claim 9 under 35 USC 112, second paragraph, are acknowledged.

The Examiner maintained a number of prior rejections and entered some new rejections. Applicants have further amended claim 1 to delete part (c) from claim 1 and have further amended claim 9. It is believed that these changes are sufficient to overcome the various issues raised by the Examiner, as explained below.

The Examiner maintained rejection of claims 1, 2, 5, 6, 9 and 10 under 35 USC 112, first paragraph, as being non-enabled with respect to the scope of part (c) of claim 1. As noted above, part (c) has been deleted. Accordingly, it is submitted that the rejection of claims 1, 2, 5, 6, 9 and 10 under 35 USC 112, first paragraph, should be withdrawn.

The Examiner maintained rejection of claims 1, 2, 5, 6, 9 and 10, with regard to part (c) of claim 1, under 35 USC 102(e) as being anticipated by Sasaki et al (US Patent No. 5,808,024) and under the judicially-created doctrine of obviousness-type double patenting over claims 5 to 13 of US Patent No. 5,808,024.

As noted above, part (c) of claim 1 has been deleted, thereby it is submitted, obviating the rejections. Accordingly, the rejection under 35 USC 102(e) and the judicially-created doctrine of obviousness-type double patenting based on Sasaki et al US Patent No. 5,808,024, should be withdrawn.

The Examiner maintained the rejection of claims 1, 2, 5, 6, 9 and 10 under 35 USC 102(b) as being anticipated by Sasaki et al (WO 96/34960). This rejection is applicable to part (c) of claim 1. Having regard to the deletion of part (c) of claim 1, it is submitted that the rejection should be withdrawn.

The Examiner maintained rejection of claims 1, 2, 5, 6, 9 and 10 under the judicially-created doctrine of obviousness-type double patenting over claims 1, 3 to 7, 9 and 10 of Sasaki et al (US Patent No. 6,448,386) and under 35 USC 102(e) as being anticipated by Sasaki et al (US Patent No. 6,448,386). Having regard to the deletion of part (c) of claim 1, it is submitted that these rejections are overcome and should be withdrawn.

The Examiner entered a new ground of rejection under 35 USC 112, first paragraph, on the ground that the prior amendment to part (c) of claim 1 introduced new matter. With the deletion of part (c) of claim 1, it is submitted that this ground of rejection should be withdrawn.

The Examiner entered a new rejection of claims 1, 2, 5, 6, 9 and 10 under 35 USC 112, second paragraph, as being indefinite, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner mentioned three issues:

- (a) The Examiner objected that the metes and bounds of the structure encompassed in the product claimed in claim 1(c) is indeterminate. As noted above, part (c) of claim 1 has been deleted, thereby obviating the rejection.
- (b) The Examiner objected that claim 9 is confusing with respect to mention of "C-terminal half" of the protein. This language has been deleted from claim 9.

(c) The Examiner objected that claims 2, 5, 6, 9 and 10 are dependent on claim 1, a claim considered to be vague, indefinite and confusing. In view of the amendment to claim 1, it would appear that these subclaims can no longer be considered to be indefinite.

Having regard to the revisions made to the claims, it is submitted that claims 1, 2, 5, 6, 9 and 10 can no longer be considered to be indefinite and hence the rejection thereof under 35 USC 112, second paragraph, should be withdrawn.

The Examiner rejected claims 1, 2, 5, 6, 9 and 10 under 35 USC 102(b) as being anticipated by Aebi et al. Based on the Examiner's comments with respect to the Aebi et al reference, it would appear that the Examiner believes Aebi et al to anticipate the claims because of the presence of part (c) of claim 1.

With the deletion of part (c) of claim 1, it is submitted that claims 1, 2, 5, 6, 9 and 10 can no longer be considered to be anticipated by Aebi et al and hence the rejection thereof under 35 USC 102(b) as being anticipated by Aebi et al, should be withdrawn.

The allowance of claims 7 and 8 is gratefully acknowledged.

Having regard to the above, it is believed that all rejections have been overcome and that the application is in condition for allowance. In the event the Examiner wishes to discuss the case, he is invited to contact the undersigned, at the number given below, with a view to resolving any outstanding issues.

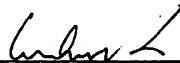
Entry of this Amendment after Final Action is requested, in that the application thereby is placed in condition for allowance. In the event, the Examiner considers that one or more ground of rejection remains, the Amendment nevertheless should be entered, since the claims thereby are placed in better condition for appeal.

Application No. 09/361,619
Amdt. dated June 15, 2004
Reply to Office Action of December 17, 2003

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It is believed that this application is now in condition for allowance and early and favourable consideration and allowance are respectfully solicited.

Respectfully submitted,



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